

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JEHU HAND,

Plaintiff,

v.

YOUNG, *et al.*,

Defendants.

Case No. 1:20-cv-00784-BAM (PC)

**ORDER DENYING MOTION TO PROCEED  
IN FORMA PAUPERIS**

(ECF No. 2)

**ORDER DIRECTING CLERK OF COURT TO  
FORWARD ORDER TO WARDEN OF FCI  
MENDOTA**

**ORDER REQUIRING PLAINTIFF TO FILE  
COMPLETED APPLICATION TO PROCEED  
IN FORMA PAUPERIS OR PAY FILING FEE**

**THIRTY (30) DAY DEADLINE**

Plaintiff Jehu Hand ("Plaintiff") is a federal inmate proceeding *pro se* in this civil rights action pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). On June 5, 2020, Plaintiff filed a complaint, together with a motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF Nos. 1, 2.)

Plaintiff's application to proceed *in forma pauperis* is incomplete. There is no certified copy of Plaintiff's trust account statement for the past six months attached to the application as the instructions require, nor is the certificate portion of the form dated, signed, or filled-out by an authorized officer of the correctional institution. Plaintiff must submit a completed form, including a certified copy of his trust account statement, if he wishes for the application to be considered.

1 Plaintiff has attached a declaration to his application in lieu of a trust account certification.  
2 In this declaration, Plaintiff declares under penalty of perjury that he has made a written request  
3 for the required trust account certification and has not received any reply or acknowledgement of  
4 receipt from Mendota Correctional Institution. (ECF No. 2, p. 3.) The Court finds that Plaintiff  
5 has made a good faith attempt to obtain the required signature and trust account statement from  
6 his current institution.

7 In light of Plaintiff's apparent difficulties in obtaining cooperation of prison staff to  
8 complete the form and obtain a copy of his inmate trust statement, the Court finds it appropriate  
9 to forward a copy of this order to appropriate staff at FCI Mendota.

10 Accordingly, it is HEREBY ORDERED that:

11 1. Plaintiff's motion to proceed *in forma pauperis* (ECF No. 2) is DENIED, without  
12 prejudice;

13 2. The Clerk of the Court is directed to forward a copy of this order and Plaintiff's  
14 motion, (ECF No. 2), to the Warden of FCI Mendota in Mendota, California, that they might be  
15 made aware of the difficulty Plaintiff is experiencing in obtaining the information necessary to  
16 complete his application to proceed *in forma pauperis*;

17 3. Within **thirty (30) days** from the date of service of this order, Plaintiff shall file  
18 the attached application to proceed *in forma pauperis*, completed and signed, including a certified  
19 copy of his trust account statement for the past six months, or in the alternative, pay the \$400.00  
20 initial filing fee for this action;

21 4. No extension of time will be granted without a showing of good cause; and

22 5. **The failure to comply with this order will result in dismissal of this action**  
23 **without prejudice.**

24  
25 IT IS SO ORDERED.

26 Dated: June 9, 2020

27 /s/ Barbara A. McAuliffe  
28 UNITED STATES MAGISTRATE JUDGE